

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                         |   |                           |
|-------------------------|---|---------------------------|
| JAMES W. RILEY,         | ) |                           |
|                         | ) |                           |
| Plaintiff,              | ) |                           |
|                         | ) |                           |
| v.                      | ) | Civ. Action No. 06-01-GMS |
|                         | ) |                           |
| STANLEY TAYLOR, et al., | ) |                           |
|                         | ) |                           |
| Defendants.             | ) |                           |

**ORDER**

The plaintiff, James W. Riley (“Riley”), an inmate housed at the Delaware Correctional Center (“DCC”), Smyrna, Delaware, filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging deliberate indifference to serious medical needs. He proceeds *pro se* and has been granted leave to proceed *in forma pauperis*. The clerk of court recently received a letter from Riley dated October 17, 2007, but postmarked December 14, 2007, asking for issuance of a subpoena upon investigative reporter Lee Williams of *The News Journal*, a Delaware newspaper.

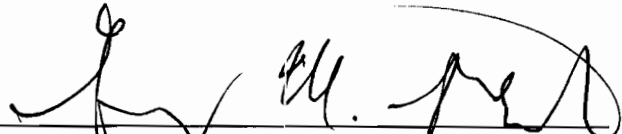
With his letter, Riley enclosed a subpoena form, improperly filled out and dated September 17, 2007. The subpoena requests various types of information related to Mr. Williams’ 2005 six-month investigation on prison health care at the Delaware Department of Correction. A federal court has the inherent power to protect any one from oppressive use of process, even if no oppression is actually intended. *Badman v. Stark*, 139 F.R.D. 601, 605 (M.D. Pa. 1991) (citation omitted).

IT IS THEREFORE ORDERED, as follows:

1. Within **twenty-one** (21) days from the date of this order, the plaintiff shall **submit** a declaration justifying his subpoena request and explain how the documents he seeks are relevant

to his claims. The plaintiff **shall also** demonstrate his ability to pay for any costs associated with issuance of the subpoena, such as photocopy fees, witness fees, or mileage.

2. The defendants shall file a response to the plaintiff's declaration within fourteen days after the plaintiff's filing.

  
CHIEF, UNITED STATES DISTRICT JUDGE

*Feb 25*  
, 2007  
Wilmington, Delaware

